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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LUIS ALVAREZ, SANTO BARRACO, ARTHUR
CAPONE, FRED G. CASSEL, KEITH J.
CASTALDO, MICHAEL CONOSHENTI, FRANK
CORNACCHIO, DENNIS COSTELLO, MICHAEL
DICOSMO, GREGG HENNINGS, STEPHEN HESS,
DANIEL P. HIGGINS, JAMES M. HIGGINS,
JAMES P. HIGGINS, ALFREDO IRIZARRY,
MICHAEL JEFFREY, FREDERICK JULIANO,
JOSEPH LAMORTE, ROBERT LEWIS, STEVE
MCCONLOGUE, BRIAN MCGOVERN, STEVEN
MAFFEI, ROBERT MALONE, STEVEN MONCUR,
PHILLIP MORRIS, EDWARD J. NICHOLSON, JR.,
RICHARD ORIS, JOHN S. RICE, MICHAEL
SABOL, JOHN L. TANZER, ROBERT J.
TAORMINA, JUAN TAPIA, KENNETH TRAPP,
ROBERT YANKEVICZ,

Case No.

Plaintiffs,

vs.

AMERICAN LAFRANCE, LLC, d/b/a
AMERICAN LAFRANCE-LTI and/or
AMERICAN LAFRANCE AERIALS, KOVATCH
MOBIL EQUIPMENT CORP., SEAGRAVE FIRE
APPARATUS, LLC, MACK TRUCKS, INC., PIERCE
MANUFACTURING, INC., and FEDERAL SIGNAL
CORPORATION,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant,

Pierce Manufacturing Inc. (“Pierce”), hereby removes the action entitled Luis Alvarez, et al. v. American LaFrance, LLC, et al., Docket Number 1574 15, filed in the Superior Court of New Jersey, Union County, Law Division, to the United States District Court, District of New Jersey (“Subject Action”) based on the following grounds:

A. Related Cases.

1. This action was filed on or about May 4, 2015 in the Superior Court of New Jersey, Union County. A true and correct copy of the Complaint is attached as Exhibit A. The Complaint is the only pleading that has been filed to date in the Subject Action.

2. Plaintiffs allege that they were injured during their employment as firefighters for fire departments in the City of Elizabeth, City of Linden, City of Bayonne, City of Kearny, Township of Union, Village of Ridgewood, Cranford and West New York by repeated exposure to noise produced by fire-apparatus sirens installed on emergency vehicles. The sirens were allegedly manufactured, marketed, distributed and/or sold by Defendant Federal Signal Corporation. The remaining Defendants allegedly manufactured, marketed, distributed and/or sold the emergency vehicles upon which the sirens were installed and in which the Plaintiffs claim they rode. See Exhibit A.

3. This Subject Action is merely the most recent in a series of cases in national, coordinated mass tort litigation being pursued against Defendants in multiple courts. Since 1999, thousands of claims by firefighters claiming hearing loss from repeated exposure to siren noise have been filed in Illinois, Pennsylvania, Missouri, New Jersey, Maryland, and New York.

4. On or about October 24, 2014, twenty (20) actions brought by the same Plaintiffs’ attorneys on behalf of 193 City of Buffalo firefighters were removed to the Western District of New York. Those matters are still pending.

B. Consent of Served Defendants.

5. Defendant American LaFrance, LLC d/b/a American LaFrance-LTI, and/or American LaFrance Aerials (“ALF”) has not been served with process.

6. Defendant Kovatch Mobile Equipment Corp. (“KME”) has consented to removal. A true and correct copy of KME’s consent form is attached as Exhibit B.

7. Defendant Seagrave Fire Apparatus, LLC (“Seagrave”) has consented to removal. A true and correct copy of Seagrave’s consent form is attached as Exhibit C.

8. Defendant Mack Trucks, Inc. (“Mack”) has consented to removal. A true and correct copy of Mack’s consent form is attached as Exhibit D.

9. Defendant Federal Signal Corporation (“Federal Signal”) has consented to removal. A true and correct copy of Federal Signal’s consent form is attached as Exhibit E.

C. Removal is Timely.

10. KME is the first served defendant, as it was served with process on November 9, 2015. Pierce was served with process on November 16, 2015.

11. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is being filed within 30 days of service on KME.

D. Diversity.

12. According to the Complaint, Plaintiffs are all citizens and residents of New Jersey, and are employed as firefighters by fire departments in the City of Elizabeth, City of Linden, City of Bayonne, City of Kearny, Township of Union, Village of Ridgewood, Cranford and West New York. See Exhibit A at ¶¶ 6-39.

13. Pierce is a foreign corporation organized under the laws of the State of Wisconsin with its principal place of business in Wisconsin. A true and correct copy of the

Wisconsin Department of Financial Institutions business entity record on Pierce is attached as Exhibit F. Plaintiffs acknowledge that Pierce is a Wisconsin corporation. See Exhibit A at ¶ 76. Thus, there is complete diversity between Plaintiffs and Pierce.

14. ALF is a foreign corporation organized under the laws of the State of Delaware with its principal place of business in Pennsylvania. A true and correct copy of the Delaware Department of State business entity record on American LaFrance is attached as Exhibit G. Plaintiffs acknowledge that American LaFrance is a Delaware corporation. See Exhibit A at ¶ 40. Thus, there is complete diversity between Plaintiffs and ALF.

15. KME is a foreign corporation organized under the laws of the State of Pennsylvania with its principal place of business in Pennsylvania. A true and correct copy of the Pennsylvania Department of State business entity record on KME is attached as Exhibit H. Plaintiffs acknowledge that KME is a Pennsylvania corporation. See Exhibit A at ¶ 49. Thus, there is complete diversity between Plaintiffs and KME.

16. Seagrave is a foreign corporation organized under the laws of the State of Delaware with its principal place of business in Wisconsin. A true and correct copy of the Delaware Department of State business entity record on Seagrave is attached as Exhibit I. Plaintiffs acknowledge that Seagrave is a Delaware corporation. See Exhibit A at ¶ 58. Thus, there is complete diversity between Plaintiffs and Seagrave.

17. Mack is a foreign corporation organized under the laws of the State of Pennsylvania with its principal place of business in North Carolina. A true and correct copy of the Pennsylvania Department of State business entity record on Mack is attached as Exhibit J. Plaintiffs acknowledge that Mack is a Pennsylvania corporation. See Exhibit A at ¶ 67. Thus, there is complete diversity between Plaintiffs and Mack.

18. Federal Signal is a foreign corporation organized under the laws of the State of Delaware with its principal place of business in Illinois. A true and correct copy of the Delaware Department of State business entity record on Federal Signal is attached as Exhibit K. Plaintiffs acknowledge that Federal Signal is a Delaware corporation. See Exhibit A at ¶ 85. Thus, there is complete diversity between Plaintiffs and Federal Signal.

19. Pursuant to 28 U.S.C. §1441, there is complete diversity between Plaintiffs and Defendants and this Court has jurisdiction over Plaintiffs' claims.

E. Amount in Controversy

20. The Complaint alleges that Plaintiffs each have suffered irreversible hearing loss and a permanent decrease of their hearing, and thereby have suffered a diminution in their ability to enjoy life and life's pleasures. See Exhibit A.

21. The Complaint alleges that Plaintiffs, individually, are entitled to \$150,000 in damages. See Exhibit A at pp. 19-21.

22. Pursuant to 28 U.S.C. §1441, the jurisdiction threshold of \$75,000 has been met and this Court has jurisdiction over Plaintiffs' claims.

F. Miscellaneous.

23. Pursuant to 28 U.S.C. § 1446, a Notice of Filing Removal is being filed with the Superior Court of Jersey, Union County, Law Division.

24. By filing this Notice of Removal, neither Pierce nor the Named Co-Defendants waive any defense that may be available to them.

25. Pierce reserves the right to amend or supplement this Notice of Removal.

DATED: December 4, 2015

Respectfully submitted,

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WISE, HERHER & BRENNAN, LLP

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